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Meeting of States Parties

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Letter dated 13 April 2015 from the Chair of the Commission on the Limits of the Continental Shelf addressed to the President of the twenty-fifth Meeting of States Parties

1. I wish to inform you, in my capacity as Chair of the Commission on the Limits of the Continental Shelf, about the progress of work of the Commission since the twenty-fourth Meeting of States Parties, held in June 2014.

2. Since June 2014, the Commission held its thirty-fifth, thirty-sixth and thirty-seventh sessions at United Nations Headquarters, from 21 July to 5 September 2014, from 20 October to 28 November 2014 and from 2 February to 20 March 2015, respectively. Documents CLCS/85, CLCS/86 and CLCS/88 contain a more detailed account of the progress of work of the Commission during those sessions with regard to the submissions under active consideration by the Commission and its subcommissions. The present letter concentrates on issues that the Commission has requested me to bring to the attention of the Meeting of States Parties, as they relate to the discharge of the mandate of the Commission under the United Nations Convention on the Law of the Sea.

Consideration of submissions and adoption of recommendations

3. During the above-mentioned sessions, the Commission and its subcommissions considered the submissions made by: Uruguay; Cook Islands, in respect of the Manihiki Plateau; Argentina; Ghana; Iceland, in respect of the Ægir Basin area and the western and southern parts of Reykjanes Ridge; Pakistan; Norway, in respect of Bouvetøya and Dronning Maud Land; South Africa, in respect of the mainland of the territory of the Republic of South Africa; Federated States of Micronesia, Papua New Guinea and Solomon Islands, concerning the Ontong Java Plateau; France and South Africa, in the area of the Crozet Archipelago and the Prince Edward Islands; and Mauritius, in the region of Rodrigues Island.

4. The Commission approved recommendations with regard to the submissions made by Ghana and Pakistan. It also continued its consideration of the draft recommendations with regard to the partial submission made by Iceland in respect of the Ægir Basin area and the western and southern parts of Reykjanes Ridge. At its thirty-seventh session, it decided to continue further consideration of the draft recommendations at the thirty-eighth session.

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5. The Commission also heard presentations on the submission made by Tonga in the western part of the Lau-Colville Ridge, as well as a new presentation on the submission made by Kenya.

6. Finally, the Commission took note of the new submissions made by France in respect of Saint-Pierre-et-Miquelon; Somalia; Cabo Verde, the Gambia, Guinea, Guinea-Bissau, Mauritania, Senegal and Sierra Leone, jointly, in respect of areas in the Atlantic Ocean adjacent to the coast of West Africa; Denmark, in respect of the northern continental shelf of Greenland; and Spain, in respect of the area west of the Canary Islands. The presentation of those submissions will be included in the provisional agenda of the thirty-eighth session of the Commission in July-September 2015.

Conditions of service of the Commission

7. At its thirty-fifth session, held in July-September 2014, the Commission took note of the decision regarding the conditions of service of the members of the Commission, adopted by the twenty-fourth Meeting of States Parties to the United Nations Convention on the Law of the Sea (see SPLOS/276).

8. At that time, the Commission decided that, in 2015, it would hold three sessions of seven weeks' duration each, including plenary meetings, for a total of 21 weeks of meetings of the Commission and its subcommissions, on the understanding that the decision could be revisited during the thirty-seventh session, in the light of the progress made in the work of the subcommissions and other developments related to both the workload of the Commission and the conditions of service of its members.

9. In this regard, at the thirty-seventh session, held in February-March 2015, the Commission took note of relevant provisions of General Assembly resolution 69/245, in particular paragraphs 80 to 85, as well as of the information provided by the secretariat with regard to medical insurance coverage and working space for the members of the Commission. The Commission emphasized its understanding that the reimbursement of the costs of medical travel insurance for those members who benefit from the trust fund established pursuant to General Assembly resolution 55/7 for the purpose of defraying the cost of participation of the members of the Commission from developing States in the meetings of the Commission was an interim measure and that a more permanent solution would be presented in the future. The Commission reiterated its view that, when matters pertaining to the conditions of service were addressed, no distinction should be made between members of the Commission from developing and developed States, and that the concerns of the Commission went well beyond adequate medical coverage.

10. With regard to the issue of working space, the Commission concluded that its members needed more adequate working space and facilities. On behalf of the Commission, I addressed a letter to the Director of the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the Secretariat outlining those needs for the purpose of paragraph 84 of General Assembly resolution 69/245.

11. Recalling relevant paragraphs of resolution 69/245, as well as the above-mentioned requests concerning the working space of its members, the Commission expressed strong expectations that its requirements related to the conditions of service of its members would be addressed by States parties and, ultimately, by the

General Assembly as soon as possible, and well before the expiration of the present term of office.

12. Also at the thirty-seventh session, the Commission discussed the pace of examinations of submissions. Upon reviewing its working arrangements, the Commission recognized that the increase in the number of weeks of work had not yet translated into a proportional increase in the number of recommendations approved. The Commission noted that the completion of the examination of submissions was directly impacted by the frequency, volume and complexity of the submission of additional data and information to the active subcommissions, as well as by the promptness of such submission on the part of delegations in response to requests of clarifications or questions posed by those subcommissions. However, the Commission also noted that its decision to form nine concurrently active subcommissions decreased the projected waiting period for submissions in the queue.

13. The Commission then decided that, for the remainder of its current term of office, which expires in June 2017, it would maintain the current pattern of meetings, that is to say, that the Commission and its subcommissions would continue to meet for a total of 21 weeks per year by holding three sessions of seven weeks' duration each, and that four of those 21 weeks would be devoted to plenary meetings.

Attendance of members

14. The Commission has repeatedly observed that the absence of its members has direct and immediate repercussions on the work of the Commission and its efficiency and on the workload of the members of the Commission who attend the sessions in full. For this reason, I would like to urge all States that have nominated members of the Commission to provide them with the necessary support to attend all sessions in full. Similarly, I would like to encourage States that are considering nominating future members of the Commission to take due account of the financial and logistical implications of actively supporting a member of the Commission for 21 weeks a year, should their candidate be elected.

15. As Chair of the Commission, I will continue to bring to the attention of permanent missions the absence of members of the Commission nominated by their Governments and the repercussions of their absence on the work of the Commission, as needed.

Trust fund for the purpose of defraying the cost of participation of the members of the Commission from developing States in the meetings of the Commission

16. I wish to draw the attention of States parties to the existence of the trust fund for the purpose of defraying the cost of participation of the members of the Commission from developing States in the meetings of the Commission, which developing States may resort to in order to obtain the financial assistance to ensure the necessary support for their members.

17. At its thirty-fifth and thirty-seventh sessions, the Commission was apprised by the secretariat of both the contributions and expenditures of that trust fund. The Commission acknowledged with appreciation the contributions made to the trust fund, but expressed concern over their dwindling level and the state of the trust

fund. In this connection, I would like to emphasize the importance of the trust fund in the light of the working arrangements adopted by the Commission after consideration of the request of the Meeting of States Parties (see SPLOS/229) and the decision of the Commission to extend them for the remainder of its current term of office. Without a sustained flow of contributions, the trust fund will not be able to assist eligible members in the context of 21 weeks of meetings per year on the part of the Commission and its subcommissions. In this connection, it should be recalled that, subsequent to the inclusion of the reimbursement of travel medical insurance under the terms of reference of the trust fund, its resources might be depleted at a faster rate.

18. I would like to appeal to other States to contribute to the trust fund, with a view to enabling the Commission to continue to address its challenging workload in a sustainable manner and with the participation of all its members.

Resignation of one member of the Commission

19. At the thirty-seventh session, the Commission took note of the letter of resignation addressed to the Chair by George Jaoshvili, which was received on 16 January 2015. The resignation created a vacancy in the Commission among the members elected from the Eastern European Group of States.

Other matters

20. At the thirty-fifth session, I had the honour of being re-elected as Chair and Messrs. Carrera, Glumov, Park and Roest were re-elected as Vice-Chairs of the Commission for a term of office that commenced in December 2014 and will expire on 15 June 2017.

21. At the same session, the Commission and its Committee on Confidentiality examined a potential breach of confidentiality by a member, concerning a divulging of information pertaining to confidential correspondence, namely a note verbale that was not in the public domain. In this connection, pursuant to paragraph 5(2) of annex II to the rules of procedure of the Commission (CLCS/40/Rev.1), I would like to report that the information on this matter and its resolution is contained in the statements by the Chair on the progress of work in the Commission at its thirty-fifth and thirty-sixth sessions (see CLCS/85, paras. 68-69 and CLCS/86, para. 410).

22. Regarding communications, I also wish to inform the Meeting of States Parties that, at its thirty-seventh session, the Commission underscored again the general interest of Member States of the United Nations, as well as of States parties to the Convention, in the transparency in the work of the Commission, and decided, except in relation to communications from submitting States transmitting confidential data and information, to encourage States not to restrict the circulation of their communications only to the members of the Commission, to the extent possible.

23. Furthermore, I wish to bring the following important technical matter to the attention of the Meeting of States Parties. For a number of submissions in the queue, the geographic information management software packages used by submitting States in the course of their preparation may no longer be compatible with the versions that may be used by the Commission by the time those submissions are next in line for consideration. In that regard, the Commission decided to encourage submitting States to ensure that the parts of their submissions for which a

geographic information management software was utilized remain compatible with the software version used by the Commission.

24. I would like to reiterate, on behalf of all members of the Commission, our gratitude to the Meeting of States Parties for its continued support of our work. In particular, I wish to thank the Governments of China, Iceland, Ireland, Japan, Mexico, Portugal and the Republic of Korea for their contributions to the trust fund for the purpose of defraying the cost of participation of the members of the Commission from developing States in the meetings of the Commission.

25. On behalf of the Commission, I would also like to express gratitude to the Division for Ocean Affairs and the Law of the Sea for the high standard of secretariat services that it renders to the Commission.

26. I would like to request that the present letter be circulated as a document of the twenty-fifth Meeting of States Parties.

(*Signed*) Lawrence Folajimi **Awosika**
Chair of the Commission on the Limits of the Continental Shelf